



**RESPONSE TO FREEDOM OF
INFORMATION ACT (FOIA) / PRIVACY
ACT (PA) REQUEST**

2001-0268

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RESPONSE TYPE FINAL PARTIAL

REQUESTER

Sally Shupack

DATE

SEP 13 2001

PART I. -- INFORMATION RELEASED

- No additional agency records subject to the request have been located.
- Requested records are available through another public distribution program. See Comments section.
- APPENDICES Agency records subject to the request that are identified in the listed appendices are already available for public inspection and copying at the NRC Public Document Room.
- APPENDICES **A, B** Agency records subject to the request that are identified in the listed appendices are being made available for public inspection and copying at the NRC Public Document Room.
- Enclosed is information on how you may obtain access to and the charges for copying records located at the NRC Public Document Room, 2120 L Street, NW, Washington, DC.
- APPENDICES **A, B** Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT *
\$

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

* See comments for details

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- No agency records subject to the request have been located.
- Certain information in the requested records is being withheld from disclosure pursuant to the exemptions described in and for the reasons stated in Part II.
- This determination may be appealed within 30 days by writing to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Clearly state on the envelope and in the letter that it is a "FOIA/PA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

SIGNATURE - FREEDOM OF INFORMATION ACT AND PRIVACY ACT OFFICER

Carol Ann Reed *Carol Ann Reed*

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PART II.A -- APPLICABLE EXEMPTIONS

APPENDICES

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Records subject to the request that are described in the enclosed Appendices are being withheld in their entirety or in part under the Exemption No.(s) of the PA and/or the FOIA as indicated below (5 U.S.C. 552a and/or 5 U.S.C. 552(b)).

- Exemption 1: The withheld information is properly classified pursuant to Executive Order 12958.
- Exemption 2: The withheld information relates solely to the internal personnel rules and procedures of NRC.
- Exemption 3: The withheld information is specifically exempted from public disclosure by statute indicated.
 - Sections 141-145 of the Atomic Energy Act, which prohibits the disclosure of Restricted Data or Formerly Restricted Data (42 U.S.C. 2161-2165).
 - Section 147 of the Atomic Energy Act, which prohibits the disclosure of Unclassified Safeguards Information (42 U.S.C. 2167).
 - 41 U.S.C., Section 253(b), subsection (m)(1), prohibits the disclosure of contractor proposals in the possession and control of an executive agency to any person under section 552 of Title 5, U.S.C. (the FOIA), except when incorporated into the contract between the agency and the submitter of the proposal.
- Exemption 4: The withheld information is a trade secret or commercial or financial information that is being withheld for the reason(s) indicated.
 - The information is considered to be confidential business (proprietary) information.
 - The information is considered to be proprietary because it concerns a licensee's or applicant's physical protection or material control and accounting program for special nuclear material pursuant to 10 CFR 2.790(d)(1).
 - The information was submitted by a foreign source and received in confidence pursuant to 10 CFR 2.790(d)(2).
- Exemption 5: The withheld information consists of interagency or intraagency records that are not available through discovery during litigation. Applicable privileges:
 - Deliberative process: Disclosure of predecisional information would tend to inhibit the open and frank exchange of ideas essential to the deliberative process. Where records are withheld in their entirety, the facts are inextricably intertwined with the predecisional information. There also are no reasonably segregable factual portions because the release of the facts would permit an indirect inquiry into the predecisional process of the agency.
 - Attorney work-product privilege. (Documents prepared by an attorney in contemplation of litigation)
 - Attorney-client privilege. (Confidential communications between an attorney and his/her client)
- Exemption 6: The withheld information is exempted from public disclosure because its disclosure would result in a clearly unwarranted invasion of personal privacy.
- Exemption 7: The withheld information consists of records compiled for law enforcement purposes and is being withheld for the reason(s) indicated.
 - (A) Disclosure could reasonably be expected to interfere with an enforcement proceeding (e.g., it would reveal the scope, direction, and focus of enforcement efforts, and thus could possibly allow recipients to take action to shield potential wrongdoing or a violation of NRC requirements from investigators).
 - (C) Disclosure would constitute an unwarranted invasion of personal privacy.
 - (D) The information consists of names of individuals and other information the disclosure of which could reasonably be expected to reveal identities of confidential sources.
 - (E) Disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions, or guidelines that could reasonably be expected to risk circumvention of the law.
 - (F) Disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- OTHER (Specify)

PART II.B -- DENYING OFFICIALS

Pursuant to 10 CFR 9.25(g), 9.25(h), and/or 9.65(b) of the U.S. Nuclear Regulatory Commission regulations, it has been determined that the information withheld is exempt from production or disclosure, and that its production or disclosure is contrary to the public interest. The person responsible for the denial are those officials identified below as denying officials and the FOIA/PA Officer for any denials that may be appealed to the Executive Director for Operations (EDO).

DENYING OFFICIAL	TITLE/OFFICE	RECORDS DENIED	APPELLATE OFFICIAL		
			EDO	SECY	IG
Martin J. Virgilio	Director, NMSS	Appendix B	✓		

Appeal must be made in writing within 30 days of receipt of this response. Appeals should be mailed to the FOIA/Privacy Act Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, for action by the appropriate appellate official(s). You should clearly state on the envelope and letter that it is a "FOIA/PA Appeal."

APPENDIX A
DOCUMENTS TO BE RELEASED IN THEIR ENTIRETY
(IF COPYRIGHTED IDENTIFY WITH*)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
1.	12/19/57	Ltr from H.F., Woodward, Jr., Spencer Chemical Co. (SCC), to L. Johnson, AEC, re: Request to conduct studies on small lots of various types of material (2 pages)
2.	01/20/58	Ltr from J.C. Delaney, AEC, to H.F. Woodward, Jr., SCC, re: Licensed to receive possession of and title to up to 10 kilograms normal thorium oxide (1 page)
3.	05/19/58	Plot Plan First Level (1 page)
4.	05/19/58	Plot Plan Second Level C ii (1 page)
5.	05/19/58	Plot Plan Elevation Section Thru A-A (1page)
6.	05/19/58	Plot Plan Section B-B (1 page)
7.	01/22/59	Ltr from L.H. Landrum, SCC, to J.C. Delaney, AEC, re: Request to renew Material License R-218 (1 page)
8.	01/28/59	Ltr from J.C. Delaney, AEC, to L.H. Landrum, SCC, re: Licensed to received possession of and title to, at the above stated location, up to 10 kilograms of normal thorium oxide (1 page)
9.	03/03/59	Ltr from H.R. Dinges, SCC, to J.C. Delaney, AEC, re: Request to have license amended to increase normal thorium oxide-uranium from 10 to 100 kilograms and authorize SCC to receive possession of and title to 1000 kilograms of thorium oxide (1 page)
10.	03/12/59	Ltr from J.C. Delaney, AEC, to H.R. Dinges, re: Licensed amended per request of 03/03/59 (1 page)
11.	03/23/59	Office Memorandum from S.R. Sapirie, Oak Ridge Operations Office, to L. Price, EAC, re: Inspection report (3 page)
12.	05/18/59	Ltr from C.K. Beck, AEC, to L. Johnson, AEC, re: Inspection Report (1 page)
13.	07/23/59	Ltr from C.P. McCallum, Jr., AEC, to H. Lambertus; SCC, re: Request for additional information for a special nuclear material license (2 page)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
14.	07/28/59	Ltr from H. Lambertus, SCC, to C. P. McCallum, Jr., AEC, re: Reply to request additional information in letter dated 07/23/59 (5 page)
15.	08/06/59	Ltr from C.P. McCallum, Jr., AEC, to C.K. Beack and L. Johnson, AEC, re: Request to review application, as augmented (1 page)
16.	09/28/59	Incoming Telegram from H. Lambertus, SCC, to J.C. Delaney, AEC, re: Status of license application (1 page)
17.	10/01/59	Ltr from J.C. Delaney, to H. Lambertus, SCC, re: Nuclear Material License (2 page)
18.	10/01/59	Office Memorandum from C.P. McCallum, Jr., AEC, to Files, re: Observations, conclusions and findings of special nuclear material license (1 page)
19.	10/06/59	Ltr from H. Lambertus, SCC, to J.C. Delaney, AEC, re: Acknowledge thanks of special nuclear material license SNM-329 (1 page)
20.	11/09/59	Ltr to V.C. Vespe, Inspection Division, Albuquerque Operations Office, from L. Dubinaki, Director, Inspection Division Oak Ridge Operations Office re: Transfer of files (1 page)
21.	02/11/60	INCOMING TELEGRAM from H. Lambertus, SCC, to C.P. McCallum, AEC re: Request allocation for 1200 lbs. of uranium hexafluoride (1 page)
22.	02/12/60	Ltr from J.C. Delaney, AEC, to H. Lambertus, SCC, re: Which license to allocate 1200 lbs. HEX (1 page)
23.	02/15/60	INCOMING TELEGRAM from H. Lambertus, SCC, to J.C. Delaney, AEC, re: Acknowledgment of 02/11/60 telegram (1 page)
24.	02/24/60	Ltr from J.C. Delaney, AEC, to H. Lambertus, SCC, re: Allocation of 11.92 kg contained U-235 as OF containing uranium enriched to 3.24 plus or minus 0.068% U-235 (2 page)
25.	03/10/60	INCOMING TELEGRAM from H. Lambertus, SCC, to J.C. Delaney, AEC, re: Request authority on allocation L&R.JCD 70-340 to downgrade up to 570 lbs. uranium from 3.24% enrichment to 2.60% enrichment (1 page)
26.	04/26/60	Office Memorandum from V.C. Vespe, D/License Inspection Division, to H.L. Price, AEC, re: Inspection Report (9 pages)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
27.	08/09/60	Routing Slip from J.C. Delaney, AEC, to J. Johnson, AEC, re: Back-up information should no longer be forwarded to Oak Ridge (1 page)
28.	09/22/60	Routing Slip from D. ?ffelman, Oak Ridge, to ? Brady, AEC, re: Request to have all correspondence forwarded to the Albuquerque Operations Office (1 page)
29.	10/11/60	Ltr from L. Johnson, AEC, to H. Lambertus, SCC, re: Inspection conducted on March 30, 31 and April 1, 1960 (1 page)
30.	12/14/60	Ltr from J.C. Delaney, AEC, to H. Lambertus, SCC, re: Request for three copies of financial report (1 page)
31.	12/21/60	Ltr from H. Lambertus, SCC, to J.C. Delaney, AEC, re: Compliance with three copies of Annual Report and latest financial statement (1 page)
32.	12/27/60	NOTICE TO FILE re: Annual Report and financial statement were file (1 page)
33.	12/30/60	Ltr from J.C. Delaney, AEC, to H. Lambertus, SCC, re: Thank you for providing copies of Annual Report and financial statement (1 page)
34.	01/23/61	Incoming Telegram from N.A. Greenlee, SCC, to J.C. Delaney, AEC, re: Request to ship 40 lbs. 2.6% enriched UO2 (1 page)
35.	01/24/61	Incoming Telegram from N.A. Greenlee, SCC, to J.C. Delaney, AEC, re: Request for air shipment (1 page)
36.	01/24/61	Ltr from J.C. Delaney, AEC, to N.A. Greenlee, SCC, re: Approval to ship on a one time only basis in the fifty-five gallon package previously approved under for forty lbs. of 2.6% UO2 by air cargo (1 page)
37.	03/26/62	Ltr from R.E. Cunningham, AEC to L. Dubinski, Oak Ridge Operations Office, re: Notice of Violation (1 page)
38.	04/17/62	Ltr from E.R. Price, AEC, to N.A. Greenlee, SCC, re: Inspection found activities were not conducted in full compliance (3 page)
39.	05/14/62	Mail Control Form from H. Lambertus, SCC, to E.R. Price, AEC, re: Corrective action for violations cited in letter of 04/17/62 (16 pages)

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/PAGE COUNT</u>
40.	05/17/62	Ltr from H. Lambertus, SCC, to E.R. Price, AEC, re: Answer to letter of 04/17/62 going forth via air mail (1 page)
41.	07/17/62	Ltr from E.R. Price, AEC, to H. Lambertus, SCC, re: Corrected deficiencies in letter dated 04/17/62 (1 page)
42.	07/25/62	Ltr from .A. Nussbaumer, AEC, to H. Lambertus, SCC, re: Notice that special nuclear material license will expire on 09/30/62 (1 page)
43.	09/06/62	Mail Control Form from Kerr-McGee Oil Industries, to L. Johnson, AEC, re: All communications should be direct to H. Lambertus, Gen. Mgr. For Kerr-McGee (2 pages)
44.	10/25/62	Ltr from J.C. Delaney, AEC, to N.M. Greenlee, SCC, re: Renewal not requested and license expired on 09/30/62 (1 page)
45.	11/20/62	Mail Control Form from SCC, to D. Nussbaumer, AEC, re: Reply to license expiration (3 pages)
46.	12/18/62	Ltr from D.A. Nussbaumer, AEC, to N.A. Greenlee, SCC, re: Action to terminate License SNM-154 (3 pages)
47.	06/04/82	Ltr from G.M. McCormack, Gulf Oil Chemical Company, C.L. Cain, NRC, R IV, re: Decommissioning of SCC (4 pages)
48.	08/11/92	Expert System License Evaluation (3 pages)
49.	08/19/82	Ltr from W.T. Crow, NRC, to Files re: SCC was surveyed by Gulf Oil Chemicals in 08/81 and found to be free of contamination (15 pages)
50.	09/30/92	Expert System License Evaluation (3 pages)
51.	No Date	Expert System License Evaluation (3 pages)

APPENDIX **B**
RECORDS BEING WITHHELD IN PART

<u>NO.</u>	<u>DATE</u>	<u>DESCRIPTION/(PAGE COUNT)/EXEMPTIONS</u>
1.	03/19/59	Compliance Inspection Report (10 pages)
2.	06/22/59	Ltr from H.Lambertus, SCC, to J.C. Delaney, AEC, re: Spencer's 1958 Annual Report (43 page)